

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

KATHY GUARDADO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 8 : 15 - cv - 955
	)	
NAVIENT SOLUTIONS, INC.	)	
f/k/a Sallie Mae, Inc.,	)	
	)	
Defendant.	)	

**PLAINTIFF’S COMPLAINT**

Plaintiff, KATHY GUARDADO (“Plaintiff”), through her attorneys, alleges the following against Defendant, NAVIENT SOLUTIONS, INC. f/k/a Sallie Mae, Inc. (“Defendant”):

**INTRODUCTION**

1. This action is brought pursuant to the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the conduct giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transacts business in this district.

**PARTIES**

4. Plaintiff is a natural person at times relevant residing in Silver Springs, Maryland.

5. Defendant is a business entity incorporated in Delaware with an office located at 2001 Edmund Halley Dr., Reston, Virginia 20191.

6. Defendant acted through its agents, employees, officers, members, directors, heirs,

successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

7. Prior to the filing of this action, Defendant placed telephone calls to (240) 483-34xx and (240) 938-79xx, Plaintiff's cellular telephone numbers.

8. The purpose of Defendant's calls was to collect a debt.

9. These calls were for a non-emergency purpose.

10. Upon information and good faith belief, based on the nature, frequency, and pattern of the calls, Defendant used an automatic telephone dialing system ("dialer") to place these calls.

11. On June 9, 2014, Plaintiff informed one of Defendant's employees to stop calling her cell phone and to communicate with her only through written correspondence.

12. Plaintiff revoked any consent, actual or implied, for Defendant to use a dialer to call her cell phone.

13. Defendant continued to use a dialer to call Plaintiff's cell phone.

14. On July 28, 2014, Plaintiff repeated her instruction to Defendant.

15. Defendant continued to use a dialer to call Plaintiff's cell phone.

16. Since June 9, 2014, Defendant used a dialer to call Plaintiff at least four hundred twenty-seven (427) times.

17. Defendant voluntarily and willfully used a dialer to place these calls.

18. Defendant intended to use a dialer to place these calls.

19. Defendant did not have Plaintiff's express consent to use a dialer to place these calls.

### **COUNT I DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

20. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation

pursuant to 47 U.S.C. § 227(b)(3)(B).

21. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, KATHY GUARDADO, respectfully requests judgment be entered against Defendant, NAVIENT SOLUTIONS, INC. f/k/a Sallie Mae, for the following:

22. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B),

23. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C),

24. All court costs, witness fees and other fees incurred,

25. Any other relief that this Honorable Court deems appropriate.

Dated: April 2, 2015

RESPECTFULLY SUBMITTED,

By: /s/ Michael Siddons

Michael Siddons (SBN 89018)

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